

REMARKS/ARGUMENTS

35 USC § 103

Claims 1-6 were rejected under 35 USC § 103 as being obvious over Pourahmadi et al. (US 6,440,725). The applicant respectfully disagrees, especially in view of the amendments presented herein.

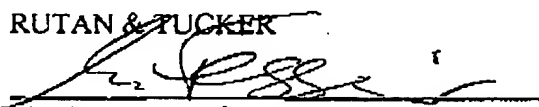
As amended, the claims expressly require that the container has "...an *outermost wall* that is *formed at least in part by a flexible top sheet*...". Furthermore, amended claim 1 requires that "...target antigen is separated from the biological fluid using a magnetic force and an automatic mechanical force, wherein *the magnetic force and the automatic mechanical force are transmitted through the flexible top sheet*..." These elements are neither taught nor suggested by Pourahmadi et al. Therefore, obviousness cannot be properly established.

It is also expressly put on record that the term "formed" is defined as "giving shape to" in the Princeton Cognitive dictionary. Therefore, as the flexible membrane in the '725 reference is disposed within the test device, Pourahmadi fails to teach or suggest that the membrane will give shape to the outermost wall. In fact, if Pourahmadi's membrane would form part of the outermost wall, the membrane would lose its intended purpose. Thus, and at least from this perspective, Pourahmadi teaches against the claimed subject matter.

The applicant believes that the present claim amendments are sufficient to overcome the Examiner's concerns and believes that the claims as amended are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner deems the presently amended claims as not allowable, a telephone call to the undersigned to clarify outstanding matters would be greatly appreciated.

Respectfully submitted,

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